

Yeas—19.

Beaty.	Lipscomb.
Faulk.	Martin.
Faust.	McKamy.
Grinnan.	Mills.
Hale.	Morris.
Hanger.	Patteson.
Harbison.	Paulus.
Harper.	Sebastian.
Henderson.	Wilson.
Hill.	

Nays—10.

Brachfield.	Decker.
Cain.	Douglass.
Davidson of	Hicks.
DeWitt.	Perkins.
Davidson of	Savage.
Galveston.	Willacy.

Absent.

Faubion.	Stafford.
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SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 12, Providing for sine die adjournment on April 1, 1903, at noon.

Respectfully,

MARK LOGAN,
Acting Chief Clerk, House of Representatives.

BILLS ON FIRST READING.

By Senator Henderson:

Senate bill No. 224, A bill to be entitled "An Act to amend Section 5, of Chapter 34, of the General Laws of Texas, enacted at the Regular Session of the Twenty-seventh Legislature, approved March 29, 1901."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Henderson:

Senate bill No. 225, A bill to be entitled "An Act to repeal Chapter 4 of the General Laws of Texas, enacted at the First Called Session of the Twenty-seventh Legislature, approved September 2, 1901."

Read first time, and referred to Judiciary Committee No. 1.

SENATE BILL NO. 196—SPECIAL ORDER.

The Chair laid before the Senate, on its second reading, special order for this hour,

Senate bill No. 196. A bill to be entitled "An Act to better define the qualifications of voters; to prescribe the duties of officers of election, and to make it a penal offense to use or attempt to use for the purpose of enabling one to vote a poll tax receipt issued for another, and to fix a penalty therefor."

Senator Faulk offered the following amendment:

"Amend by striking out all after the word 'himself,' on page 1, line 18, to and including the word 'vote,' in line 27."

Senator Patteson offered the following substitute for the foregoing amendment:

"Amend by striking out all of that provision in line 23, on page 1, following the word 'vote' down to line 27, on page 1, including the word 'vote.'"

Pending discussion on the adoption of the substitute,

Senator Lipscomb moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed, and the Senate, at 1:10 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

TWENTY-NINTH DAY.

Senate Chamber,

Austin, Texas, Friday, Feb. 27, 1903.

Senate met pursuant to adjournment.

President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Decker.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Stafford.

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
W. E. DeLamar.
R. M. Gilmore.
Amos Wynne.

W. M. Cobb.
 Eldred McKinnon.
 Mrs. Laura V. Grinnan.
 F. P. Smith.
 Miss Lucy Lane.
 C. H. Allen.
 D. F. Hughes.
 Frank Mullins.
 C. J. Kirk.
 Rev. I. S. Davenport.
 Miss May Fant Odom.
 J. C. Son.
 Mrs. Hattie Yarbrough.
 Miss Hope H. Hawkins.
 Miss Emily Holcomb.
 Mrs. J. R. Van Orden.
 Miss Bessie Goldstein.
 W. T. Pace.
 W. A. Shaw, Jr.
 Lucien Goss.
 J. A. Chaffe.
 Charlie Lane.
 Willie Gibson.
 Henry Paulus.
 Evetts Thornhill.
 Walter Savage.
 Jas. Sebastian.
 Willie Gray.
 Jamie Snipes.
 Ed Underhill.
 Will Bartley.
 Reed Pierson.
 Dan Edwards.
 Josh Pyles.
 Ellis Monroe.
 Albert Hill.
 Mark Marsh.

Absent.

Miss Georgia Sturgiss.
 John Durst.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Faulk, the same was dispensed with.

PETITION AND MEMORIALS.

Senator Hanger offered the following petition:

Hon. W. A. Hanger, Austin, Texas.

DEAR SIR: The undersigned citizens of Tarrant county respectfully urge you to use your influence and cast your vote against the passage of the "Bryan bill" to change the quarantine laws of the State of Texas:

J. W. Spencer.
 John A. Peacock.
 Geo. W. Armstrong.
 W. Scott.
 W. T. Newlin.
 Ellison Furniture & Carpet Co.
 J. L. Wheat.

J. G. Clements.
 W. L. Ligon.
 James Harrison.
 Jno. C. Harrison.
 W. B. Harrison.
 Theo O. Vogel.
 D. Portwood, Jr.
 Wm. Bryce.
 John D. Kane.
 B. B. Paddock.
 M. B. Loyd.
 S. B. Burnett.
 A. J. Long.
 F. M. Long.
 J. D. Collert.
 Jake S. Zurn.
 S. Rosell.
 J. M. Mullins.
 D. S. Ross.
 J. W. Buchannan.
 M. E. Sebrel.
 Jno. T. Montgomery.
 W. R. Sanjum.
 E. C. Ornit.
 A. J. Roe.
 G. H. Calvin.
 J. A. Wilson.
 W. M. Martin.
 Elbert T. Roll.
 Geo. Littler.
 F. T. Crittenden.
 R. L. Carlock.
 K. M. VanZandt.
 Alex Hogg.
 R. L. Rogers.
 John Kaiser.
 R. F. Milam.
 B. F. Ramsey.
 Edd Andrews.
 J. H. Wood.
 W. L. Sweet.
 K. W. Anderson.
 W. E. Connell.
 Ben Ossnuit.
 J. W. Mitchell.
 A. G. Johnson.
 F. D. Thompson.
 J. L. Johnson.
 G. H. Connell.
 Wm. G. Newly.
 R. L. Ellison.
 J. W. Bicknell.
 C. H. Murdock.
 N. Harding.
 J. E. Mitchell.
 W. J. Boaz.
 Jacob Washer.
 S. M. Fry.
 J. C. Pullan.
 W. T. Hall.
 Geo. Mulkey.

Senator Mills offered the following petition:

Waco, Texas, February 26, 1903.

To the Honorable S. P. Mills, Pat M. Neff, J. S. Ainsworth, H. B. Terrell

and Tom Connally, Members of the House of Representatives, Twenty-eighth Session of the Texas Legislature.

SIRS: Believing that the local option laws, as they now exist, are unfair and not in accord with the spirit of justice which should prevail in this State, we, your undersigned constituents, respectfully ask that you support such a measure as will give to "pro" and "anti" alike equal rights under the law.

Numerously signed.

Senator Faust offered the following memorial:

Victoria, Texas, February 27, 1903.

Hon. A. B. Davidson, Austin, Texas.

DEAR SIR: We, the undersigned citizens of Victoria, Texas, and vicinity, respectfully beg to call your attention to the fact that a bill will come up for consideration in the House in the next few days, which proposes to equalize the local option laws of the State of Texas, and we respectfully urge and request that you give this measure your kind support.

Thanking you in advance for this kind consideration, we are

Respectfully,

J. F. Jecker.
L. L. Laywick.
E. L. Dunlap.
Chas. E. Martin.
I. M. Warner.
J. F. McCan.
J. M. Pickering.
A. F. Rehm.
F. J. Allnoch.
J. T. Hagan.
Ben Miller.
Al. Fimbel.
F. W. Davis.
E. C. Kauffmann.
F. F. Jakoby.
A. G. Stapleton.
A. J. Schmidt.
Ojus Schier.
Louis Brauer, Jr.
Chas. A. Wertheimer.
John Wilder.
C. A. Lenschmer, county treasurer.
A. Klein, county clerk.
H. D. Sullivan, tax collector.
W. H. Stoner, tax assessor.
L. F. Jecker.
B. F. Williams.
Thos. N. Fleming.
Irion Kibbe.
J. G. Rose.
Emile F. Jecker.
L. A. Fritz.
Albert Widden.
C. A. Laurence.
Leo Moore.

J. E. Ryan.
H. Allen.
H. M. Eichholz, druggist.
Bill Sittrell.
I. Cohen.
H. J. Schmidt.
I. Fox.
H. Krihmeier.
F. N. Fossati.
C. Weber.
G. Stolz.
Nat. Fitzgerald.
Dr. J. L. Simmons.
H. N. Jordan.
Bitt Neumeyer.
Tom Duffy.

Senator Faust offered the following memorial:

Johnson City, Tex., Feb. 22, 1903.

Hon. Joseph Faust, Austin, Texas.

DEAR SIR: We, the undersigned Christian Scientists, noticing that your honorable body has up for consideration a bill known as Senate bill No. 175, introduced by Senator Davidson of DeWitt, the purpose of which is to amend Section 13 of the medical laws as passed by the Twenty-seventh Legislature, so as to make it operative upon those who do not use drugs, we most respectfully send in our protest to said measure as being unjust and class legislation. We have no objection for the medical profession to regulate their practice, but they should not go beyond that and thereby clog the wheels of progress. If there is a better thing let us have it, and let it stand or fall upon its merits. We further suggest that outside of a few doctors, not all, no one in your district is honestly desiring the passage of this law if all is understood, because those not using drugs are not forcing themselves upon the public in any way. Therefore the people are safe, but those that desire no drugs should have the right guaranteed by the constitution. We, therefore, would appreciate very much, if, after investigation, you should see proper to oppose this measure. We could get any number of signatures to this, but only learning of it today, and being informed that the matter will be taken up Wednesday, we have not tried to get any more.

Very respectfully,

S. W. Wallace, county judge,
Blanco county.
Charles Klett, county and district clerk, Blanco county.
Claud Gray, deputy county and district clerk.
Geo. T. Bryan, merchant.
W. S. Chunn, merchant.
S. E. Schofield.

S. C. Wilson.
J. L. Schofield.
R. Waller.
B. V. Schofield.
S. H. Harris.
R. Harris.
B. M. Harris.
H. E. Harris.
John A. Deadrich.
J. T. Johnson.
J. H. Henington.
Lula V. Padgett.
M. I. Henington.
Jno. Martiny.
Ida A. Martiny.
M. A. Johnson.
Mary B. Garner.
I. C. Johnson.
Zillar Batcheloz.
Zonnah Johnson.
T. W. Cox.
R. B. Maddox.

Senator Hale offered the following petition:

Caldwell, Texas, February 25, 1903.

Hon. J. M. Hale, Senator, Austin, Texas.

DEAR SIR: We, the undersigned citizens of Caldwell, Burleson county, Texas, and vicinity, respectfully beg to call your attention to the fact that a bill will come up for consideration in the House, in the next few days, which proposes to equalize the local option laws of the State of Texas, and we respectfully urge and request that you give the measure your kind support.

Thanking you in advance for this kind consideration, we are,

Respectfully,

J. M. D. Rogers.
C. S. Williams.
W. M. Hilliard.
J. W. Ragsdale.
J. A. Broadus.
W. J. Harris.
C. G. Stuart.
H. C. McGaw.
T. J. Oliver.
E. T. Porter.
J. P. Sparks.
J. Earl Porter.
J. H. Porter.
J. B. McArthur.
A. J. Harris.
W. F. Sullivan.
W. F. Gay.
J. D. Rowland.
A. L. Davis.
J. K. Addison.
J. R. Oliver.
T. R. Broadus.
Jesse McCowen.
Joseph Wandrash.
Ben B. Hunt.
G. W. Grant.

Jos. H. Truax.
D. Speckmann.
Frank Schraeder.
Eng. Pollack.
John Struve.
Sam Levi.
W. H. Ryan.
E. H. Flanagan.
C. L. Windhausen.
T. C. Easley.
W. D. Gilbert.
J. F. Krennek.
F. Surovik.
Louis Schrader.
L. Seigle.
John Jancik, Jr.
Charles J. Jancik.
F. R. Kallus.
Val E. Herbst.
A. G. Krueger.
Chas. Schweda.
John H. Popek.
E. Drescher.
C. W. F. Windel.
R. W. Haddox.
Victor Bunata.
Ernst Klingbeil.
W. H. Werner.
Ed Amsler.
J. O. Schiller.
R. Struve.
T. Krancher, Jr.
E. B. St. Clair.
J. J. Lane.
Jos. Schreiber.
M. L. Womack.

BILLS AND RESOLUTIONS.

By Senator Hill:

Senate bill No. 226, A bill to be entitled "An Act to repeal Subdivision 5 of Article 5049, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature, that imposes an annual occupation tax upon bankers."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Willacy:

Senate bill No. 227, A bill to be entitled "An Act to amend Article 518, Chapter 5, Title XIII, of the Penal Code of the State of Texas, relating to the protection of fish, birds and game, and adding Article 518a, and repealing all laws and parts of laws in conflict herewith, and creating an emergency."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Sebastian:

Senate bill No. 228, A bill to be entitled "An Act to amend Articles 366 and 367, of Chapter 5, Title X, of the Penal Code of the State of Texas, of 1895."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Davidson of DeWitt:

Senate bill No. 229, A bill to be entitled "An Act to define, prohibit and declare illegal the selling at below cost, or the giving away, of commodities and the rendering of services at less than the value thereof for the purpose of driving out competition or of financially injuring competitors, and to prescribe penalties therefor."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Harbison:

Senate bill No. 230, A bill to be entitled "An Act to amend Article 642, of Chapter 2, Title XXI, of the Revised Civil Statutes of the State of Texas, relating to the creation of corporations, as amended by Chapter 130 of the Acts of the Twenty-fifth Legislature."

Read first time, and referred to Judiciary Committee No. 2.

By Senator McKamy:

Senate bill No. 231, A bill to be entitled "An Act amending Chapter 15, of Title LXXXVI, Revised Statutes of Texas, 1895, by amending Article 3995, authorizing trustees of towns and villages, incorporated for free school purposes only, to issue bonds payable at a date, not exceeding forty years from their date, for the purpose of purchasing or constructing public free school buildings and sites therefor; and by adding to said chapter Article 3995b, providing for the refunding of bonds legally issued by such towns and villages, and authorizing the State Treasurer, upon the order of the Board of Education, to exchange bonds not matured held by him for the permanent school fund for new refunding bonds issued by the same incorporation under the provisions of this act."

Read first time, and referred to Committee on Education.

By Senator Perkins:

Senate bill No. 232, A bill to be entitled "An Act to amend Chapter 3, Title XCVIII, Articles 4847 and 4848, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 4852a and 4852b, relating to the salaries and compensation of the superintendent and assistant superintendents and assistant financial agents of penitentiaries, and to prohibit the purchase and regulate the use of State convicts and property by the officers and employes of the State penitentiaries, and making it unlawful for such officers and employes to accept or receive any salary or compensation from persons or corporations hiring or employing State convicts, and prescribing a penalty for the violation of the provisions of the last named article, and re-

pealing all laws in conflict with this act."

Read first time, and referred to Committee on Penitentiaries.

By Senator Brachfield:

Senate bill No. 233, A bill to be entitled "An Act to amend Section 1, of Chapter 111, of an act passed by the Twenty-seventh Legislature, in Regular Session, same being 'An Act to amend Section 4, of Chapter 7, of an act passed by the First Called Session of the Twenty-sixth Legislature, to provide a uniform method of selecting trustees in independent school districts,' so as to provide for the assessing and collecting of taxes in independent school districts."

Read first time, and referred to Committee on Education.

PRIVILEGED COMMITTEE REPORTS.

The following committee reports were offered:

ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 141, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Beaumont; to grant it a special charter, and to fix its boundaries,' passed by the Twenty-sixth Legislature, Chapter 12 of the Special Laws of the said Legislature, approved May 12, 1899, by amending Sections 28 and 36 of said act, and by adding thereto Sections 28a, 28b, 28c, 28d, 28e, 28f, 28g, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, defining the jurisdiction and power of the city council with reference to streets, alleys, public grounds and highways, and the duty of said council in letting contracts for works of improvement and public works in the said city of Beaumont; and by said additional sections defining the jurisdiction of the city council and liability of the citizens of said city with reference to the construction of sidewalks and pavements on the public streets and highways of said city; and providing a general system to secure the construction of sidewalks and pavements on public streets and highways of the said city, and the manner whereby due and proper proceedings may be had in order to fix the liability of property owners in respect to such sidewalks and pavements; and providing a method for the collection of such amounts as may become due

the city in this connection, and declaring an emergency."

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,

Austin, Texas, February 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 181, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other property of the Gulf, Beaumont & Kansas City Railway Company and of the Gulf, Beaumont & Great Northern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company, as part of its own line, with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Colorado & Santa Fe Railway Company; and until such purchase is made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of said two other companies,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,

Austin, Texas, February 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 182, A bill to be entitled "An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase the railroads and all other property of the Gulf, Beaumont & Great Northern Railway Company and of the Beaumont Wharf & Terminal Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Beaumont & Kansas City Railway Company, as part of its own line, with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Beaumont & Kansas City Railway Com-

pany; and until such purchase is made to authorize the lease by the Gulf, Beaumont & Kansas City Railway Company of the railroads and other properties of said two other companies,"

And find the same correctly engrossed.
PATTESON, Chairman.

INTERNAL IMPROVEMENTS.

Committee Room,

Austin, Texas, February 28, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 223, A bill to be entitled "An Act to extend the time in which railroad companies heretofore authorized to purchase or sell their lines of railroads, franchises, etc., since April 1, 1901, but requiring such railroad companies as a condition precedent to such sale or conveyance to construct additional mileage may comply with the terms of said requirements and providing that it shall be a sufficient compliance with the terms of said act or acts if such railroad company or companies construct or cause to be constructed the additional mileage heretofore required within two years after the passage of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLACY,

MARTIN,

FAUST,

MORRIS,

HANGER,

WILSON,

DAVIDSON of Galveston,
Chairman.

Morning call concluded.

RAILROAD COMMISSION OF TEXAS.

Austin, February 26, 1903.

Hon. J. T. Beaty, Senate Chamber.

DEAR SIR: Your request for an expression from us as to whether we find objection to Senate bills Nos. 181 and 182, is received.

We suggest the following amendment be added to Section 2 of each bill:

"Provided, that before approval of any bonds or stock under this act, the Railroad Commission may require the filing of all agreements relating to the purchase price, and all other data pertaining thereto."

While we do not wish to be understood as expressing an opinion as to the policy of such bills, yet with the adoption of

the amendment suggested we see no substantial objection to the measures you inquire about.

Yours respectfully,
L. J. STOREY,
Chairman.

SENATE BILL NO. 181—PASSAGE OF.

On motion of Senator Beaty, the special order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, Senate bill No. 181.

The Chair laid before the Senate on second reading,

Senate bill No. 181, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other property of the Gulf, Beaumont & Kansas City Railway Company, and of the Gulf, Beaumont & Great Northern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company as part of its own line, with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of said two other companies."

Senator Beaty offered the following amendment:

"Amend the printed bill on page 2, Section 2, line 21, by adding the following after the word 'canceled,' viz.: 'Provided, that before approval of any bonds or stock under this act, the Railroad Commission may require the filing of all agreements relating to the purchase price, and all other data pertaining thereto.'"

The amendment was read, and adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Beaty.	Decker.
Brachfield.	Douglass.
Cain.	Faubion.
Davidson of	Faulk.
DeWitt.	Faust.
Davidson of	Grinnan.
Galveston.	Hale.

Hanger.	Mills.
Harbison.	Morris.
Harper.	Patteson.
Henderson.	Paulus.
Hicks.	Perkins.
Hill.	Savage.
Lipscomb.	Sebastian.
Martin.	Willacy.
McKamy.	Wilson.

Absent.

Stafford.

The bill was read third time, and passed by the following vote:

Yeas—29.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Perkins.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

Nays—1.

Harper.

Absent.

Stafford.

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 128—THIRD READING.

On motion of Senator Hale, the special order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, Senate bill No. 128.

The Chair laid before the Senate, on third reading,

Senate bill No. 128, A bill to be entitled "An Act to provide for a survey of the Brazos river and its principal tributaries, preparing maps, profiles, plans, plats, estimates, etc., from its mouth to Waco, Texas, and making an appropriation therefor."

FIRST HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, February 27, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 20, A bill to be entitled "An Act to amend Chapter 7, Title CII, of the Revised Statutes of the State of Texas (1895), so as to add thereto Article 5043n, Article 5043p and Article 5043q, to make penal the act of knowingly stopping live stock that have crossed the quarantine line after inspection, etc., and to make an appropriation for the maintenance of said quarantine line."

House bill No. 142, A bill to be entitled "An Act to extend the time of payment of the State and county tax for the year 1902 in the counties of Milam, Caldwell and Colorado until October 1, 1903."

House bill No. 203, A bill to be entitled "An Act to amend Article 877, Chapter 2, Title XXV, of the Revised Civil Statutes of the State of Texas, authorizing the commissioners courts to issue bonds for the purpose of constructing public roads," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had referred the following bills, after their captions had been read:

House bill No. 142, A bill to be entitled "An Act to extend the time of payment of the State and county tax for the year 1902 in the counties of Milam, Caldwell and Colorado until October 1, 1903."

Referred to Committee on State Affairs.

House bill No. 20, A bill to be entitled "An Act to amend Chapter 7, Title CII, of the Revised Statutes of the State of Texas (1895), so as to add thereto Article 5043n, Article 5043p and Article 5043q, to make penal the act of knowingly stopping live stock that have crossed the quarantine line after inspection, etc., and to make an appropriation for the maintenance of said quarantine line."

Referred to Committee on Stock and Stock Raising.

House bill No. 203, A bill to be entitled "An Act to amend Article 877, Chapter 2, Title XXV, of the Revised Civil Statutes of the State of Texas, authorizing the commissioners courts to issue bonds for the purpose of constructing public roads," with engrossed rider.

Referred to Committee on Roads, Bridges and Ferries.

EXECUTIVE SESSION.

The Chair announced that 11 o'clock a. m., the time for the Senate to go into executive session to consider the appointments sent in by his Excellency, the Governor, on yesterday, had arrived, and ac-

cordingly the Senate Chamber was cleared.

AFTER EXECUTIVE SESSION.

In executive session the following confirmations were made:

To constitute the Board of Managers of the Epileptic Colony at Abilene, Texas—John Bowyer, Louis C. Wise, Abdon Holt, and D. L. Middleton, of Taylor county; and J. T. Harrington, of McLennan county.

SENATE BILL NO. 128.

Action recurring on Senate bill No. 128.

Bill was read third time, and passed by the following vote:

Yeas—18.

Beaty.	Hanger.
Davidson of	Harper.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	Mills.
Decker.	Morris.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Willacy.
Hale.	Wilson.

Nays—10.

Brachfield.	Hicks.
Cain.	Martin.
Douglass.	McKamy.
Grinnan.	Patteson.
Henderson.	Savage.

Present—Not voting.

Sebastian.

Absent.

Harbison.

Stafford.

Senator Lipscomb moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 182—PASSAGE OF.

On motion of Senator Beaty, the special order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, Senate bill No. 182.

The Chair laid before the Senate, on second reading,

Senate bill No. 182, A bill to be entitled "An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase the railroads and all other property of the Gulf, Beaumont & Great Northern Railway Company and of the Beaumont Wharf & Terminal Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Beaumont & Kansas City Railway Company, as part of its own line,

with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Beaumont & Kansas City Railway Company; and until such purchase is made to authorize the lease by the Gulf, Beaumont & Kansas City Railway Company of the railroads and other properties of said two other companies."

Senator Beaty offered the following amendment:

"Amend the printed bill on page 2, Section 2, line 20, by adding the following after the word 'canceled,' viz.: 'Provided, that before the approval of any bonds or stock under this act, the Railroad Commission may require the filing of all agreements relating to the purchase price, and all other data pertaining thereto.'"

The amendment was read, and adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.
Henderson.	

Absent.

Grinnan.	Harper.
Harbison.	Stafford.

Bill was read third time, and passed by the following vote:

Yeas—27.

Beaty.	Faubion.
Brachfield.	Faulk.
Cain.	Faust.
Davidson of	Hale.
DeWitt.	Hanger.
Davidson of	Henderson.
Galveston.	Hicks.
Decker.	Hill.
Douglass.	Lipscomb.

Martin.	Perkins.
McKamy.	Savage.
Mills.	Sebastian.
Morris.	Willacy.
Patteson.	Wilson.
Paulus.	

Absent.

Grinnan.	Harper.
Harbison.	Stafford.

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 53.

On motion of Senator Faust, the special order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, Senate bill No. 53.

The Chair laid before the Senate, on second reading,

Senate bill No. 53, A bill to be entitled "An Act to amend Articles 128 and 129, Chapter 1, of the Revised Statutes of the State of Texas, relating to the apprehension of lunatics, and authorizing the county judge to fix the place of trial at the residence of the lunatic."

Senator Brachfield offered the following amendment:

"Amend by adding and amending Article 130, so as to read as follows: 'At the time of issuing the warrant mentioned in preceding article the county judge may also issue an order to the sheriff or constable arresting him to summon a jury of six competent jurors of the county to be and appear before such judge at the time and place designated in said order for the hearing and determination of the matter; provided, that when no jury is summoned the county judge may call in two reputable physicians, residents of said county, who shall hear the evidence and render a verdict thereon.'"

The amendment was adopted.

Senator Perkins offered the following amendment:

"Amend Section 1, line 16, by inserting after the word 'restraint' the words 'or that such lunatic is a convict confined in the State penitentiary.'"

The amendment was adopted:

Senator Perkins offered the following amendment:

"Amend Section 1, line 23, by inserting after the word 'named' the words 'or at the State penitentiary if he be a State convict.'"

The amendment was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Hale. Stafford.

The bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Hale. Stafford.
Henderson.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SPECIAL ORDER FOR TUESDAY MORNING, MARCH 3.

Senator Harper moved that

Senate bill No. 168, A bill to be entitled "An Act to carry into effect Section 32, of Article 16, of the Constitution of the State of Texas, in relation to vital statistics; to enlarge the scope and powers of the existing health system of the State for the better protection of the public health; to change the name of the Quarantine Department to the Department of

Public Health and Vital Statistics, and to create and establish a State Bureau of Vital Statistics within said department; to authorize the State Health Officer to prepare, promulgate and enforce, under suitable penalties for violation of its provisions, a sanitary code for the State of Texas, and regulations for the record and preservation of its vital statistics, and to repeal all laws and parts of laws in conflict with this act."

Be made special order for Tuesday morning, March 3rd, at the conclusion of morning call.

The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 9.

By Senator Hicks:

Senate Concurrent Resolution No. 9: Whereas, The Twenty-first Legislature of this State, by House Concurrent Resolution No. 4, approved February 25, 1889, Session Acts, page 173, extended the thanks of the people of Texas to Messrs. W. H. Westfall, G. W. Lacey and N. L. Norton for the "princely donations of the beautiful granite of which this capitol is built"; and,

Whereas, It was therein resolved that "a room in this capitol building be set apart for the reception" of deposits to be made by said "Westfall, Lacey and Norton of specimens of granite, marble and lithographic stone of different grades"; and,

Whereas, It was also therein resolved that in recognition of our appreciation of the donations thus made by W. H. Westfall, G. W. Lacey and N. L. Norton, they are hereby especially invited to visit and occupy said room when they visit the Capitol during life or until the State shall need the room for other purposes; and,

Whereas, Said room has never been designated; and,

Whereas, The Daughters of the Confederacy is desirous of having the room in the Capitol designated in which to place the relics of the Confederate and other wars in which this State took part; and,

Whereas, It is the wish of the said Col. L. N. Norton and his said associates that said room be designated, and that the Daughters of the Confederacy be permitted to place said relics in said room, and to care for, protect and exhibit the same. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Section 1. That the northwest room on the first floor of the Capitol building, formerly occupied by the Purchasing

Agent of the State, be and the same is hereby set aside for the uses and purposes aforesaid, and that in addition to the deposits made and to be made under said original concurrent resolution, that the Daughters of the Confederacy of the State of Texas be and they are hereby authorized to take charge of said room and use the same conjointly with the said Westfall, Lacey and Norton, for all of the purposes aforesaid.

Read, and referred to Committee on Public Buildings and Grounds.

HOUSE BILLS SIGNED.

The Chair (President Pro Tem. David-son of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 30, "An Act to prescribe the time within which statements of fact and bills of exception may be filed in causes tried in the district and county courts of Texas."

House bill No. 97, "An Act to transfer Red River county from the community school system to the district school system, and to authorize and empower said county to organize and conduct all its public free schools under the district school system as provided by law now in force."

SENATE BILL NO. 161.

On motion of Senator Hanger, the special order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, Senate bill No. 161.

The Chair laid before the Senate, on its second reading,

Senate bill No. 161, A bill to be entitled "An Act to authorize the Chicago, Rock Island & Gulf Railway Company to purchase, own and operate, as a part of its line, the railroad of the Chicago, Rock Island & Texas Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Chicago, Rock Island & Mexico Railway Company, together with all its franchises, property, rights and privileges, and the railroad of the Choctaw, Oklahoma & Texas Railroad Company, together with all its franchises, property, rights and privileges; or either or any of such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize the owners of each of said railroads and the franchises, property, rights and privileges of every kind and character, to sell and convey the same; and to authorize said, The Chicago, Rock Island & Gulf Railway Company to issue and negotiate its bonds, secured or to be secured by a mortgage or

mortgages, to the amount of the value of the railways, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof; and to authorize said, The Chicago, Rock Island & Gulf Railway Company to construct, own and operate, as a part or parts of its line the unfinished portion or portions of said railroads, or either of them, between the termini, as defined in their respective charters; and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads, or either of them, under or as authorized in and by the charter of said The Chicago, Rock Island & Gulf Railway, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sales shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sales."

Senator Perkins moved that further consideration of the bill be postponed until the next regular session of the Senate.

Senator Hanger moved to table the motion by Senator Perkins.

Senator Perkins moved that the Senate adjourn until 3:30 o'clock this evening.

The motion was lost by the following vote:

Yeas—3.

Cain.	Perkins.
Decker.	

Nays—27.

Beaty.	Henderson.
Brachfield.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Stafford.

The Senate refusing to adjourn,

The question was on the motion of Senator Hanger to table the motion made by Senator Perkins to postpone consideration of the bill until the next regular session of the Senate.

The motion to table prevailed.

Senator Decker offered the following amendment:

"Amend the bill by striking out all after line 8, page 1, of the bill, down to and including line 31, page 4, of the bill, and insert in lieu thereof the following:

"An Act to authorize the Chicago, Rock Island & Gulf Railway Company to purchase, own and operate as a part of its line the railroad of the Chicago, Rock Island & Texas Railway Company, together with all its franchises, property, rights and privileges of every kind and character; and to authorize the owners of said railroad and the franchises, property, rights and privileges of every kind and character, to sell and convey the same; and to authorize said the Chicago, Rock Island & Gulf Railway Company to issue and negotiate its bonds, secured or to be secured by a mortgage or mortgages, to the amount of the value of the railway, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof; and to authorize said the Chicago, Rock Island & Gulf Railway Company to construct, own and operate as a part or parts of its line the unfinished portion or portions of said railroad between the termini as defined in its charter; and to construct, own and operate as a part or parts of its line all extensions and branches of said railroad under, or as authorized in and by the charter of said the Chicago, Rock Island & Gulf Railway Company, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sales shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sales.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the Chicago, Rock Island and Gulf Railway Company be, and it is hereby authorized to purchase, own and operate as a part of its line the

railroad of the Chicago, Rock Island & Texas Railway Company, as the same is now located and constructed and maintained in the counties of Montague, Wise, Tarrant, Jack and Young, with all its franchises, property, rights and privileges of every kind and character; and the owners of said railroad, and its franchises, property, rights and privileges of every kind and character, are hereby authorized and empowered to sell and convey the same to the said the Chicago, Rock Island & Gulf Railway Company.

SEC. 2. That in case said railroad, together with all its franchises, property, rights and privileges, or either or any thereof, shall be purchased by said the Chicago, Rock Island & Gulf Railway Company, the said the Chicago, Rock Island & Gulf Railway Company shall be, and it is hereby authorized to issue mortgage bonds to the amount of the value of said railroad, franchises, property, rights and privileges of every kind and character so purchased, as such value has been or shall be ascertained and determined by the Railroad Commission of the State of Texas, under the provisions of the act of the Legislature of the State of Texas, entitled "An Act to define franchises, and to make public the value of railroads, and to make effective Section 6, Article 12, of the Constitution of the State of Texas," etc., etc., approved April 8, 1893, and any amendment made or which may be made thereto, but not otherwise.

SEC. 3. That the Chicago, Rock Island & Gulf Railway Company be, and it is hereby authorized to construct, own and operate as a part or parts of its line the unfinished portion or portions of said railroad between the termini as defined in its charter, and to construct, own and operate, as a part or parts of its line, all extensions and branches of said railroad, under, or as may be authorized in and by the charter of said the Chicago, Rock Island & Gulf Railway Company, or any amendment thereof made or to be made in pursuance of the General Laws of the State of Texas, and in case of such additional construction of all or either of said lines said the Chicago, Rock Island & Gulf Railway Company shall be, and it is hereby authorized to issue mortgage bonds to the amount of the value of the railroad or railroads which may be hereafter constructed, including the value of the franchises, property, rights and privileges of every kind and character appurtenant thereto, as such value has been, or shall be, ascertained and determined by the Railroad Commission of the State of Texas, under the provisions of the act of the Legislature of the State of Texas entitled "An Act to define

franchises and to make public the value of railroads and to make effective Section 6, Article 12, of the Constitution of the State of Texas," etc., etc., approved April 8, 1893, and any amendment made, or which may be made thereto, but not otherwise.

SEC. 4. That no purchase shall be valid until the agreement in writing evidencing such purchase or purchases shall have been filed in the office of the Secretary of State, which agreement, when so filed, shall be deemed and taken as conclusive evidence of the acceptance of the terms, provisions and conditions of this act by the corporations executing the same.

SEC. 5. That all and singular the railroad and its franchises, property, rights and privileges of every kind and character, so sold, shall be bound and liable, upon and after any such sale, to the same extent that each is now bound or liable, and no debt or claim against the owners at the time of such sale, of any of the properties, franchises, rights or privileges so sold, or against said franchises, property, rights or privileges, whether arising upon contract or from tort or otherwise, shall be in any way affected or impaired by such sale, and any claim, suit or action of any character whatsoever, existing by or against the owners of said properties so sold, at the time of the sale thereof, shall and may be prosecuted after any such sale, in the same manner and to the same effect, and enforced in the same way, as if no such sale had been effected."

Senator Hanger moved the previous question on the amendment.

The motion prevailed, and the previous question was ordered.

Question being on the adoption of the foregoing amendment, the amendment was lost by the following vote:

Yeas—3.

Brachfield.	Perkins.
Decker.	

Nays—26.

Beaty.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harper.	Wilson.

Absent.

Harbison. Stafford.

Senator Decker offered the following amendment:

"Amend the bill by adding after line 17, page 4, of the printed bill, the following: 'Provided, that no purchase or purchases, sale or sales, made under this bill shall be valid unless the Chicago, Rock Island & Texas Railway Company shall construct, complete and equip an extension of said railway from the town of Graham to the town of Breckenridge.'"

Senator Hanger moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19.

Beaty.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
Galveston.	McKamy.
Faubion.	Morris.
Faust.	Patteson.
Hale.	Paulus.
Hanger.	Savage.
Harper.	Willacy.
Hicks.	Wilson.

Nays—10.

Brachfield.	Grinnan.
Davidson of	Henderson.
DeWitt.	Mills.
Decker.	Perkins.
Douglass.	Sebastian.
Faulk.	

Absent.

Harbison. Stafford.

Senator Decker offered the following amendment:

"Amend the bill by adding after line 17, page 4, of the printed bill, the following: 'Provided, that no purchase or purchases, sale or sales, made under this bill shall be valid unless the Chicago, Rock Island & Gulf Railway Company shall construct, complete and equip a line of railway from the city of Dallas to the City of Galveston.'"

Senator Hanger moved the previous question on the amendment and bill.

The motion was duly seconded, and the previous question was ordered.

The amendment was lost by the following vote:

Yeas—5.

Brachfield.	Decker.
Davidson of	Harper.
DeWitt.	Perkins.

Nays—24.

Beaty.	Douglass.
Cain.	Faubion.
Davidson of	Faulk.
Galveston.	Faust.

Grinnan.
Hale.
Hanger.
Henderson.
Hicks.
Hill.
Lipscomb.
Martin.
McKamy.

Mills.
Morris.
Patteson.
Paulus.
Savage.
Sebastian.
Willacy.
Wilson.

Absent.

Harbison. Stafford.

Bill was read second time, and ordered engrossed by the following vote:

Yeas—24.

Beaty.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Henderson.	Wilson.

Nays—5.

Brachfield.	Harper.
Decker.	Perkins.
Grinnan.	

Absent.

Harbison. Stafford.

On motion of Senator Hanger, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Harper.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Willacy.
Hanger.	Wilson.

Nays—3.

Decker.	Perkins.
Henderson.	

Absent.

Harbison. Stafford.

The bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Douglass.	Morris.
Faubion.	Patteson.
Faulk.	Savage.
Faust.	Paulus.
Hale.	Sebastian.
Hanger.	Willacy.
Henderson.	Wilson.

Nays—5.

Brachfield.	Harper.
Decker.	Perkins.
Grinnan.	

Absent.

Harbison. Stafford.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 161 WITHDRAWN.

On motion of Senator Mills, House bill No. 161 was withdrawn from the committee.

ADJOURNMENT.

On motion of Senator Hicks, the Senate, at 1:30 o'clock, adjourned until 10 o'clock Tuesday morning.

APPENDIX.

RAILROAD COMMISSION OF TEXAS.

Austin, February 27, 1908.

Hon. D. E. Decker, Senate Chamber.

DEAR SIR: Your letter of the 26th inst., addressed to the Railroad Commission, has been received. You request that the Railroad Commission furnish you an opinion as to whether or not the consolidation or merger of the Chicago Rock Island & Mexico Railroad with that of the Choctaw, Oklahoma & Texas Railroad would be a merger of parallel or competing lines, and in the event there is a difference of opinion among the Commissioners, you request the individual opinion of members. In answer thereto you are respectfully advised:

Herewith is attached a section of a map of the State of Texas showing the location of the two lines of railway now constructed and operated, about which you inquire, and also the projected extension of the Choctaw, Oklahoma & Texas Railroad from Amarillo to the State line and thence to the point of

junction with the other line in the Territory of New Mexico. This map was prepared by the engineer of the Railroad Commission. An inspection of this map discloses the fact that the point of the proposed junction, viz.: Tucumcari, is in the Territory of New Mexico, about fifty miles from the State line, and that the two lines of railroad from that point extend eastward in the same general direction, at an angle of about forty degrees. West of the Fort Worth & Denver City Railway and east of the State line these two lines of railroad are separated at a varying distance, say from sixty to eighty miles. Within this territory there would probably be more or less traffic competitive, that is, could be served by either line. I am aware that the portions of both lines in the Territory of New Mexico are constructed under a different charter from the portions within the State, but I presume there can be no dispute to the proposition that there is a common ownership, control and management.

Your attention is respectfully directed to an opinion rendered by the Supreme Court of Texas in the case of E. L. & Red River Ry. Co. vs. The State, 75 Texas, 434. On page 446 of that report, Judge Stayton rendering the opinion for the court, uses this language:

"We further concur with the court below in holding that railways, by reason of their relations with, control or management of other lines than their own, may become, within the meaning of the law, competing lines, though the railways owned by them may not in fact connect."

Within the meaning of Article 10, Section 5, of the Constitution, it is my opinion that these two lines of railway, as constructed and projected, are parallel and competing.

Very respectfully,
ALLISON MAYFIELD,
Commissioner.

THIRTIETH DAY.

Senate Chamber,
Austin, Texas, Tuesday March 3, 1903.
Senate met pursuant to adjournment.
Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Davidson of
Brachfield.	Galveston.
Cain.	Decker.
Davidson of	Douglass.
DeWitt.	Faubion.

Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hanger.	Paulus.
Harper.	Perkins.
Henderson.	Savage.
Hicks.	Sebastian.
Hill.	Stafford.
Martin.	Willacy.
McKamy.	Wilson.

Absent.

Hale.	Lipscomb.
Harbison.	

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
W. E. DeLemar.
R. M. Gilmore.
Amos Wynne.
W. M. Cobb.
Eldred McKinnon.
Mrs. Laura V. Grinnan.
F. P. Smith.
Miss Lucy Lane.
C. H. Allen.
Frank Mullins.
C. J. Kirk.
Rev. I. S. Davenport.
Miss May Fant Odom.
J. C. Son.
Miss Georgia Sturgiss.
Mrs. Hattie Yarbrough.
Mrs. Hope H. Hawkins.
Miss Emily Holcomb.
Mrs. J. R. Van Orden.
Miss Bessie Goldstein.
W. T. Pace.
W. A. Shaw, Jr.
Lucien Goss.
J. A. Chaffe.
Herbert Davenport.
Charlie Lane.
Henry Paulus.
Everet Thornhill.
Walter Savage.
Jas. Sebastian.
Willie Gray.
Jamie Snipes.
Ed Underhill.
Will Bartley.
Reed Pierson.
Dan Edwards.
Josh Pyles.
Ellis Monroe.
Albert Hill.
Mark Marsh.

Absent.

D. F. Hughes.
Willie Gibson.

Prayer by the Chaplain, Rev. I. S. Davenport.